

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel A. Lidar et al.
 Patent No. : 7,364,923
 Issued : April 29, 2008
 For : DRESSED QUBITS

RECEIVED

FEB 06 2012

Examiner : Stephen W. Smoot OFFICE OF PETITIONS
 Art Unit : 2813
 Docket No. : 240105.438
 Date : JANUARY 27, 2012

Mail Stop: PETITIONS
 Commissioner for Patents
 P.O. Box 1450
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NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. 1.27(G)

Commissioner for Patents:

The Governing Council of the University of Toronto (hereinafter University of Toronto), dba The University of Toronto, is the assignee of the entire right, title, and interest in the entirety of U.S. Patent 7,364,923 (hereinafter the '923 Patent) which granted from U.S. patent application Serial No. 10/788,546. University of Toronto owns all right, title and interest to the '923 Patent.

University of Toronto qualified to pay fees for U.S. patent application Serial No. 10/788,546 as a small entity. As a result of the University of Toronto's licensee losing its entitlement to claim small entity status, University of Toronto no longer qualifies to pay fees for the '923 Patent as a small entity.

Adjustment date: 02/28/2012 CKHLOK
 11/30/2011 DALLEN 00000006 040750 7364923
 01 FC:1599 300.00 CR

02/28/2012 CKHLOK 00000006 040750 7364923
 01 FC:1559 640.00 DA

Adjustment date: 02/28/2012 CKHLOK
 11/01/2011 DALLEN 00000006 040750 7364923
 01 FC:1599 490.00 CR

Patent No. 7,364,923

University of Toronto made a bona fide good faith attempt to change entity status and pay the maintenance fee on September 20, 2011. On November 1, 2011, another attempt was made on the behalf of University of Toronto to pay the maintenance fee at the large entity rate. As indicated in the Notice Mailed December 8, 2011, that attempt was considered ineffective as not signed in accordance with 37 C.F.R. 1.33(b). Notably, the fee was taken from the deposit account indicated in the transmittal. A further attempt was made on November 30, 2011, to pay on the University of Toronto behalf the 1) difference in fee resulting from a fee increase which occurred between the first attempt and the second attempt, as well as 2) a surcharge charge for the maintenance fee being considered late. Notably, those fees were taken from the deposit account indicated in the transmittal.

University of Toronto provides a Statement under 37 C.F.R. 3.73(b) herewith, establishing that it is the assignee of the entire right, title, and interest in the entirety of the '923 Patent, and holds all right, title and interest in the '923 Patent.

This written assertion of loss of entitlement to pay fees as a small entity is executed by an authorized officer of University of Toronto.

In response to University of Toronto's attempt to pay the maintenance fee at the correct large entity rate, the U.S. Patent Office accepted fees calculated at small entity rate as well as an additional payment to make up for the deficiency. Thus, University of Toronto provides the following itemization, in compliance with 37 C.F.R. 1.28(c).

Fee Type	Current Amount at Non-Small Entity Rate	Amount Paid at Small Entity Rate	Date Paid	Deficiency
4 th year Maintenance Fee	\$1,130	\$490 \$490 (total \$980)	September 20, 2011 November 1, 2011	\$150
4 th Year Maintenance Fee – Surcharge	\$150	\$150	November 30, 2011	\$0
DEFICIENCY PAYMENT				
4 th year Maintenance Fee Deficiency	\$150	\$150	November 30, 2011	\$0

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As such, University of Toronto believes the record clearly demonstrates that the payments on September 20, 2011 and October 27, 2011 of the 4th year maintenance fee in the '923 Patent at small entity rate was through error, despite University of Toronto's bona fide attempt to provide notice of the loss of small entity status, and thus compliance the requirements of 37 C.F.R. 1.28(c) have been met.

Additionally, University of Toronto believes that the USPTO's acceptance of a \$300 payment made on November 30, 2011 now completes the payment due as a result of the change of entity status, including fees due to change in the fee amount and surcharge and respectfully requests that the Notice Mailed December 8, 2011 be reconsidered and that University of Toronto's assertion of loss of entitlement to pay fees as a small entity be accepted.

The Governing Council of the University of Toronto

By: Cyril S. Gibbons

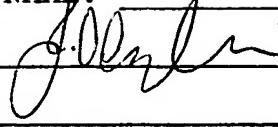
Cyril S. Gibbons, Ph.D. as Director, Business
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REQUEST FOR PATENT FEE REFUND

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<input type="checkbox"/> 10 REASON:		Treasury Check									
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